

REMARKS

Independent Claims 1 and 8 are revised to better define over the applied art. Claims 1, 2, and 5-12 remain under consideration, with no claim previously allowed.

Claims 1, 2, 7-9, and 12 were rejected as unpatentable over *Rubin* (US 6,078,897) in view of newly-cited *Carter* (US 2002/0071526). The rejection acknowledges that *Rubin* does not specifically disclose a pricing and discount method summing the product prices and employing the particular formula defined in independent Claims 1 and 8. However, the rejection asserts that *Carter* does disclose a formula which produces the same results, and concludes that it would have been obvious to one of ordinary skill to have provided the method of *Rubin* with the method of *Carter*. The Applicant respectfully traverses that rejection and the interpretation of *Carter* on which the rejection is based.

The rejected claims include a particular formula for summing the product prices. That formula takes into account the base price of each product and the discount rate based on the number of selected products. That discount rate ( $A_j$ ) varies as a function of the particular selected product and as a function of the number-of-items discount rate for each selected item. Please see the example given in paragraph 0028 of the specification, with reference to the exemplary price data table of Fig. 4. The price summing formula of the claims thus sums the product prices based not merely on the number of selected products, but also on a product-by-product discount determined according to the number of selected products.

Turning now to *Carter*, column 2, lines 41-52 describe a pricing arrangement in which the price of each item is reduced by a certain discount if the buyer purchases that

individual item in volume. However, *Carter* does not disclose or suggest a pricing arrangement in which the discount is determined not only according to each individual product, but also according to the number of selected products as claimed by the Applicant. For that reason, even assuming the teaching of *Carter* were substituted in *Rubin* as proposed by the rejection, the combined method fails to meet all limitations in each claim. Moreover, nothing in *Rubin* or *Carter* suggests modifying the *Carter* technique according to the teachings of the Applicant. For that reason, the claims are patentable over Ruben in view of *Carter*.

Claims 5, 6, 10 and 11 are rejected as unpatentable over *Rubin* and *Carter*, further in view of *Israelski* (US 2002/0071526). *Israelski* is combined as teaching the use of information about customer usage and recommended products based on received information about customer usage. However, these rejected claims include the elements in respective Claims 1 and 8, discussed above, and the art applied to Claims 5, 6, 10 and 11 likewise fails to teach the overall combination of elements recited therein. For that reason, Claims 5, 6, 10 and 11 define over the art applied to those claims.

The foregoing is submitted as a full response to the Office action identified above. The Applicant respectfully submits that all claims under consideration in this application are patentable over the art of record and solicits a notice to that effect.

Respectfully submitted,

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Date: January 19, 2007

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